

TJS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

BRIAN ELLMAN

18 0067

(In the space above enter the full name(s) of the plaintiff(s).)

- against -

Z. SMITH, SHERIFF-PARTNER-John DOE
JANINE QUIGLEY-WARDEN
STEPHANE SMITH-DEPUTY WARDEN
DANIEL VAN BILLIARD-HEARING EXAMINER
SGT. GONZALES Jr.
MEDICAL REPRESENTATIVE-S. SWARTLEY
JESSICA COLLINS-TREATMENT SUPERVISOR
CAPTAIN CASTRO
SGT. BRAUNBERGER
MIZI MONIZ
PAUL DILMAN

COMPLAINT

under the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)Jury Trial: ☒ Yes ☐ No
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name BRIAN ELLMAN

ID # 2015-4362

Current Institution BECK'S COUNTY JAIL

Address 1287 COUNTY WELFARE ROAD LEESPORT, PA
19533

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Z. Smith Shield # _____
Where Currently Employed BERKS COUNTY SHERIFF
Address BERKS COUNTY COURTHOUSE 633 COURT STREET, 1ST
FLOOR BEADING PD 19601

Defendant No. 2 Name JANINE QUIGLEY Shield # _____
Where Currently Employed BERKS COUNTY JAIL WARDEN
Address 1287 COUNTY WELFARE ROAD LEESPORT, PA
19533

Defendant No. 3 Name STEPHINE SMITH - DEPUTY WARDEN Shield # _____
Where Currently Employed BERKS COUNTY JAIL
Address 1287 COUNTY WELFARE ROAD LEESPORT, PA
19533

Defendant No. 4 Name JOSE A. GONZALEZ JR. - SGT Shield # _____
Where Currently Employed BERKS COUNTY JAIL
Address 1287 COUNTY WELFARE ROAD LEESPORT, PA
19533

Defendant No. 5 Name DANIE VANBILHARD - HEARING EXAMINER Shield # _____
Where Currently Employed BERKS COUNTY JAIL
Address 1287 COUNTY WELFARE ROAD LEESPORT, PA
19533

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur? BERKS COUNTY JAIL -
IN THE SALISPORT.

B. Where in the institution did the events giving rise to your claim(s) occur? IN THE
SALISPORT.

C. What date and approximate time did the events giving rise to your claim(s) occur? 7/25/17, DON'T KNOW TIME
FRAME

What happened to you?

D. Facts: On July 25, 2017 while being transported to Berks County Jail I was speaking to a gentleman about his child support case. Sheriff Smith kept jumping into our conversation first stating that that his child's mother had him for the next eighteen years, we both stated that was none of our business since that we were talking to him. He stated Sheriff Smith that the gentleman should have paid his child support and the gentleman stated that he did and would be pleased to pay his business. I also stated the same thing. I was getting into the police van to be taken to the jail and when I went to step in the van, Sheriff Smith pushed me from behind and I bumped my head on the top of the van. He stated good for you. After we arrived at the County Jail the Sheriff Mr. Smith started threatening me telling me he would kick my butt, but not in those terms. As we were all in the Jail Super writing to be let in Sheriff Smith continued to threaten me telling me he would kick my butt and I stated I'm on shockers and cuffs that's why you keep saying that. Run out of the blue Sheriff Smith attacked me, he turned away from the door came at me grabbed me by the front of my shirt, twisted me to the ground and put his knee in my chest! → continued

Who did what?

Was anyone else involved?

Who else saw what happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. I was attacked I stated to one of the officers I think my shoulder is dislocated. The officer took video of my injuries and all I was given was some band-aids to put on my cuts and ~~bruises~~ bruise. I had an x-ray taken but while doing forty days in the Restricted Housing Unit, I was never given the results. While still in the Restricted Housing Unit I continued to file sick call slip after sick call slip just about having: → continued

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a

prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☒ No ☐

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

BERKS COUNTY JAIL

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☒ No ☐ Do Not Know ☐

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☒ No ☐ Do Not Know ☐

If YES, which claim(s)? My Injury and good time.

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ☒ No ☐

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☐ No ☐

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

At BERKS COUNTY JAIL

1. Which claim(s) in this complaint did you grieve? My injury and also my good time taken away!

2. What was the result, if any? They never filed one of my grievances, and they just denied the rest!

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. I appealed my time given in the Restricted Housing Unit to the Warden and also concerning my good time and also concerning my injury to the warden! I was denied and threatened with assault charges! I was DENIED ON EVERY GRIEVANCE!

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: _____

2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any: _____

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I was told on one grievance that my time period to file ran out, I still filed it to the Warden but three of my grievances were not answered or returned to me.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount).

Am suing for Monetary Compensation, each individual two hundred and fifty thousand dollars, and I want a jury trial.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

VI. Previous lawsuits:

On
these
claims

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes No ☒

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____,

Defendants

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number

4. Name of Judge assigned to your case _____
5. Approximate date of filing lawsuit _____
6. Is the case still pending? Yes _____ No _____
- If NO, give the approximate date of disposition _____
7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____
- _____
- _____

On
other
claims

C. Have you filed other lawsuits in state or federal court?

Yes ☒ No _____

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff BRIAN ELLMAN

Defendants BEVERLY GINTON, HUMBERT KING, SHAPARIO, WILLIAMS

2. Court (if federal court, name the district; if state court, name the county) Middle District Philadelphia

3. Docket or Index number 16-CV-1402

4. Name of Judge assigned to your case TIMOTHY J. SAVAGE

5. Approximate date of filing lawsuit 4/1/16

6. Is the case still pending? Yes _____ No ☒

If NO, give the approximate date of disposition JANUARY 4, 2017

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) DISMISSED WITHOUT

PREJUDICE.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 1 day of JANUARY, 2018.

Signature of Plaintiff Brian Ellman

Inmate Number 2015-4362

Institution Address

1287 COUNTY WAIFACE
ROAD LEESPORT, PA 19533
BECKS COUNTY JAIL

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 1 day of JANUARY, 2018, I am delivering this complaint to prison authorities to be mailed to the Clerk's Office of the United States District Court for the Eastern District of Pennsylvania.

Signature of Plaintiff:

Brian E. Elman

11. Injuries - me sleep on a slab of metal, meaning they was taking my mattress every day for twelve days straight and making me sleep on the metal frame all day! I told the Medical Department about my arm and back being in pain to the point my arm was numb and still is on a daily basis but to no help I have been waiting to get results about what's going on with my shoulder, I've went to the specialist a few times, I even received a shot for my severe pain. All before I go any further, when I finally did get to see the doctor, he read the report, which whoever wrote the report, they stated that there was nothing wrong. The Doctor to me look at my shoulder and told me what was wrong in Doctor's Terms and stated, you going to see the specialist, someone tried to cover up my injury, who, I don't know, but the Doctor saw right through it thank God! I know what it is now, a Collateral Separation, I also have to have surgery as I won't have to deal with the pain for the rest of my life! The Specialist that I saw is Paul C. Neuman, 610-372-7200!

Now his partner who was with him also jumped on me, when I hit the ground, I heard my shoulder crack, now I never at any time resisted, made no attempt to fight back, I NEVER AT ANY TIME DID NOTHING BUT LAY THERE! Now there was about fifteen witnesses in the Sallyport and out of all of the witnesses, there was about three women. The women started screaming for Mr. Smith to get off of me and also stating, he didn't do nothing wrong! I guess after Mr. Smith seen that I wasn't going to give up no resistance, and also all the witnesses kept stating, Sue him, Sue him, we will testify! He then got up as well as his partner John Doe, I stated to him I'm going to Sue you, he still continued to threaten me, Mr. Ellman, and to cover up what he did, Sheriff Smith wrote me up, a misconduct Citation for Assault, and also Abusiveness. He alleged that I slapped the Sheriff with my right arm, now remember, I'm handcuffed with my hands at my side and a beam around my waist! I also was four or five feet from Sheriff Smith! He turned around and came towards me and attacked me, he wrote the misconduct report like I just slapped him for no apparent reason for nothing and forgot that there was fifteen witnesses who watched this man attack me! I was put into a cell and I was video taped for inquiries, I was cut and bruised up and I couldn't lift my arm but halfway up! The whole incident was on camera was taken to the Restricted Housing Unit for this so called Assault, I received only 14 days in the Restricted Housing Unit. A survey was done but I didn't find out about the results till three months later when I finally was seen by a doctor! At no time did the hearing Examiner, Mr. Vambillard let me call ANY witnesses, nor did he speak to any of the witnesses who saw what took place he just took the Sheriff's word and what he wrote up in the misconduct report!! I even appealed the decision by the Hearing Examiner and deputy warden Smith stated that I was wrong and according to the tape, I ~~allegedly~~ ~~allegedly~~ ~~allegedly~~ assaulted Mr. Smith, and then she threatened me by writing in my appeal that she was going to send the video tape to the State Police and seek charges. I was praying that she did that, but I knew she wouldn't! The hearing Examiner NEVER stated at any time that he reviewed the tape to me at my hearing, he never said anything about my injury, I filed two grievances which I didn't keep a copy of, but I did keep a copy of my third grievance so I could give a copy to my attorney, but he told me to hold on to it.

1
 Statements and State / Federal Law and Rights that was
 Violated against me! I was given this information by a Jail-
 house Lawyer!

Under the Bill of Rights, dealing with the Due Process Clause of
 the 14th Amendment. See, *Ingraham v. Wright* 430, U.S. 651, 673, n.42, 9
 S. Ct. 1401, 1414, n.42, 51, L. Ed. 2d, 711, 731, 14, 42 (1977) holding that the 4th
 Amendment was incorporated against the states by the 14th Amendment.
 This means that state actors have to respect most of the rights found
 in the Bill of Rights as well. I'm using *Monroe vs. Pape*, 365, U.S. 167,
 173-74, 81, S. Ct. 473, 477, 5, L. Ed. 2d, 492, 498, (1961), preferring the use of
 federal law as oppose to state law! Also I use *Edwards vs. Balisok*,
 520, U.S. 641, 648, 117, S. Ct. 1584, 1589, 137, L. Ed. 2d, 906, 945 (1997)
 because not only was my good time taken away, but without
 procedural due process how could the jail, Berks County jail deprive
 me of my rights! I also want it known, Every person who, under color
 of any statute, ordinance, regulation, custom, or usage, of any State or
 Territory or the District of Columbia, subjects, or causes to be
 subjected, any citizen of the United States or other person within
 the jurisdiction thereof to the deprivation of any rights, privileges,
 or immunities secured by the Constitution and laws, shall be liable to
 the party injured in an action at law, suit in equity, or other proper
 proceeding for redress. I would also like to note that this case, *City of
 Canton v. Harris*, 489, U.S. 378, 388-89, 109, S. Ct. 1197, 1204-05, 103, L. Ed. 2d
 712, 426-27, (1989) finding the city could be liable under § 1983 for failure to
 train employees, if the failure amounts to deliberate indifference to
 the constitutional rights of persons coming into contact with those
 employees as it did in my situation! Also dealing with different
 situations, prison officials can be liable for creating rules, policies
 or customs that result in a violation of my rights! Like my
 situation, I was in severe pain for three months, and I informed

the officers in the restricted housing unit on the block, but was not given no help at all! Situation could be a guard who makes sure that any prisoner who violates any prison rule does not receive medical care for a month or more, even if the prisoner is ill or injured. *Monroe v. Pape*-365, U.S. 167, 172, 81, S.Ct. 473, 476, 5, L.Ed. 2d 492, 497, (1961), holding that officials who violate constitutional rights by acting illegally or abusing their authority are acting under "color of state law" for the purpose of § 1983. This case - *Whitmore v. Arizona*, 298 F.3d 1134, (9th Cir. 2002) Pertaining to no policy written in their handbook when it comes to good-time being revoked, or witnesses being called for mis-conduct hearing as in my case! My First Amendment Claims - Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. To state a point - The subjective test requires that prison officials have a certain state of mind in order to be found to have violated the Eighth Amendment. In most prison conditions cases, the standard is "deliberate indifference", which means that the officials must have had actual knowledge that they were subjecting me to an excessive risk of harm, having me sleep on a bed with no mattress and no medical assistance for three months, or other objectively unconstitutional conditions. In use of force cases, however, I have shown that the officials who used force against me acted "maliciously and sadistically" for the purpose of causing harm. Also look at *Wilson v. Seiter*-501, U.S. 294, 299, 11, S.Ct. 2321, 2324-25, 115, L.Ed. 2d 271, 279-80 (1991) Dealing with inadequate medical care by prison officials. They also tried to cover up my injury by saying nothing was wrong with my

deprive. My whole process rights under the 14th Amendment forbid
 the state from "Depriving me or any person of life, liberty, or property"
 without due process of law". The Clause has been interpreted as
 containing two separate types of protections: "substantive due
 process" and "procedural due process". And the staff at Berks County
 Jail violated BOTH. Look at Estelle v. Gamble - 429, U.S. 97, 104-05, 97
 D.Ct. 285, 291, 92, 50, L.Ed. 2d 251 (1976). Also - Zimmerman v. Burch, 494, U.S.
 113, 139, 110, S.Ct. 915, 990, 108, L.Ed. 2d 100, 122 (1990) Also this case, but I
 don't know if it applies to me, Mr. Elman - Younger v. Harris, 401, U.S. 37, 46, 9.
 S.Ct. 746, 751, 27, L.Ed. 2d 669, 676 (1971) And, Tolly v. Coughlin, 76, F.3d, 46
 482, (2d Cir. 1996) I also want it known that I'm suing each
 individual, "INDIVIDUAL CAPACITY"! I also want it known that the
 Warden Mass Gugler, KNEW my rights were violated and did
 nothing to change the outcome. Look at - Gabai v. Jacoby, 800,
 F. Supp. 2d 234, 241-42 (S.D.N.Y. 2002)! Also Hill v. Marshall, 962
 F.2d. 1209, 1213-14 (6th Cir. 1992) Also - Cleavinger v. Saxner - 474, U.S. 19
 206, 106, S.Ct. 496, 503, 88, L.Ed. 2d 507, 517-18 (1985) I also want it
 to be known that I don't know Sheriff Z. Smith's partner's name,
 but I'm sure you can get it from the records. I also want it
 known that I am reading Case Law that was given to me and
 there is no assistance from staff in this County Jail. They don't
 have no legal aid to give me advice on what to do or how
 to fill out paperwork for any type of legal document. It
 states in Wolff v. McDonnell, 418, U.S. 539 that under the
 First and Fourteenth Amendment as well as being
 protected under the Equal Protection Clause of the Four-
 teenth Amendment that I retain rights of access to the
 courts and also invidious discrimination based on race. I
 say that because ALL the inmates including myself, we

"I have no law help from anyone in this facility, there isn't no law library or up to date books or I would have worked on this Civil Suit months ago! As I stated before, I have the help of a jailhouse lawyer. Also under WOLFF v. McDONNELL, I was never given a statement of facts by the so called witnesses that were suppose to be interviewed by the Hearing Examiner dealing with the so called alleged assault against Sheriff Smith, under Procedural Due Process, Scope of Protection! I am also not being assisted by someone trained in law adequately for my Civil Rights action! Look to WOLFF v. McDONNELL again for Constitutional violations being violated against me by Berks County Jail! I was deprived my right under Due Process to even cross-examine witnesses and my right to present witnesses could not be left to the unreviewable discretion of prison officials! It also states, in a civil suit brought under 42 U.S.C. 1983 by prisoners, the federal courts may consider the validity of procedures for depriving those prisoners of good-time credits and may, short of ordering the actual restoration of good-time already canceled, fashion appropriate remedies for the constitutional violations ascertained! I would like to also state that although lawful imprisonment necessarily makes unavailable many rights

5. and privileges of the ordinary citizen and although³ a prisoner's rights may be diminished by the needs, and exigencies of the institutional environment, a prisoner is not wholly stripped of the protections of the United States Constitution as I am being stripped as of now by this facility. I would also like to state that once the state has created the right to good-time credit and has recognized that deprivation of such credit is a sanction authorized for major misconduct, the prisoner's interest has real substance and is sufficiently embraced within the Fourteenth Amendment "liberty to entitle him to those minimum procedures appropriate under the circumstances and required by the due process clause to insure that the state-created right is not ~~arbitrarily~~ arbitrarily abrogated. I also know that a person's liberty is protected by the due process clause even when the liberty itself is a statutory creation of the state. It is also stated in case law that I have read that, in case of the deprivation of good-time credit resulting from prison disciplinary hearings, in proceedings where solitary confinement may be imposed, there should be minimum procedural safeguards as a hedge against arbitrary determination of the factual

4. predicate for imposition of the sanction. I'm also 4.
 being denied assistance from the inmate who started
 to help me with my Civil Suit. Thank god I have some-
 one else helping me, I've also come to find out
 and also been told, that the adequacy of legal
 assistance offered to prisoners is to be assessed (1) in
 light of the demand for assistance in civil rights
 actions as well as in the preparation of habeas
 corpus writs and (2) under the standard that un-
 less and until the state provides some reasonable
 alternative to assist inmates in the preparation,
 of petitions for post-conviction relief, inmates may not
 be barred from furnishing assistance to each other.
 One of the District Courts, or Court of Appeals suggested
 is to assess the adequacy of the legal assistance
 available for preparation of civil rights actions, apply-
 ing the standard of *Johnson v. Avery*, supra, at 490,
 that "unless and until the state provides some
 reasonable alternative to assist inmates in the pre-
 paration of petitions for post-conviction relief" inmates
 could not be barred from furnishing assistance to each
 other. I am not afforded that by this jail, Berks County!
 Just like my misconduct Hearing, I was not Allowed
 the right to offer testimony of witnesses, and to

compel their attendance, if necessary, which my situation "WHS" is in plain terms the right to present a defense, the right to present the defendant's version of the facts as well as the prosecutor's to the (hearing body) as it may decide where the truth lies! WASHINGTON V. TEXAS, 388, U.S. 14, 19, (1967). I've tried so many times to see why I couldn't receive no help concerning the law library system here at Berks County Jail, but no one will give me a straight answer! I was also told by Captain Castro that the law library is so outdated that he does not know what to tell me!!! I've also been told by officers that they don't have to let me use the one law computer that they have for eighty six plus men on one block. Yes, there isn't no law clerk, no up to date law books, and as I stated before, no help for us inmates who don't know the law! It's especially bad for the men who don't speak no English, I can't stress enough how I'm blessed to have someone versed in law help me!

now as to my medical needs, I must say they were not met in any type of way. Under the case law, *Estelle v. Gamble* 429, U. S. 97 the government has an obligation to provide medical care for those whom it is punishing by incarceration. An inmate must rely on prison authorities to treat his medical needs. If the authorities fail to do so, those needs will not be met. As I have also read in case law, an inadvertent failure to provide adequate medical care cannot be said to constitute an unnecessary and wanton infliction of pain or to be repugnant to the conscience of mankind. Thus, a complaint that a physician has been negligent in diagnosing or treating a medical condition does not state a valid claim of medical mistreatment under U.S. Const. amend. VIII. Medical malpractice does not become a constitutional violation merely because the victim is a prisoner. In order to state a cognizable claim, a prisoner must allege acts of omissions sufficiently harmful to evidence deliberate indifference to serious medical needs. It is only such indifference that can offend evolving standards of decency in violation of U.S. Const. amend. VIII. I have already told you what took place and how many witnesses were present at the time of the attack on me Mr. Ellman. You also don't need to look no further then the medical records and you will see how long it took the jail to let me Mr. Ellman be seen by the doctor. Under the cruel and unusual punishment clause of the Eighth Amendment, proscribes more than physically barbarous punishments; the Amendment embodies broad and dealistic concepts of dignity, civilized standards, humanity, and decency, against which penal measures must be evaluated... It is also known that elementary principles of the cruel and unusual punishment clause of the eighth Amendment establish the governments obligation to provide medical care for those whom it is punishing for incarceration..... NOT ONE TIME DID THE BERKS COUNTY JAIL DO THAT FOR ME MR. ELLMAN!!!!!! Also it is known that at common law, the public is required to care for the prisoner, who cannot, by reason of the deprivation of his liberty,

[Handwritten notes in cursive script follow the printed text, covering the bottom half of the page. The handwriting is dense and difficult to decipher, but appears to be a continuation of the narrative or a commentary on the printed text.]

• sufficiently harmful to evidence deliberate indifference to serious medical needs, it being only such indifference that can offend evolving standards of decency in violation of the Eighth Amendment. If you check my medical records, you will see how long it took for me Mr. Ellman to see the Doctor and get treated! I am suing each individual three hundred thousand dollars apiece, please put that on the record!

To clerk of Courts office,

Im sending my complaint to you and I want you to know that I made a valid effort to have the inmate accounts staff fill out the Application for prisoners to proceed in District Court without Prepaying Fees or Cost. They wanted me, Mr Elman, to put my whole Brief / Motion in a envelope and give it to their office, I was told by the Counselor, she also stated for me, Mr Elman not to do that and to inform your office that they wont fill out the form! I was also told that they wanted to read my civil Complaint, which I knew already and Im not going to allow that. They will get a copy from your office in due time. Im also informing you again that Im suing each individual in a individual capacity, the sum is three hundred thousand dollars apiece. I also would like to inform you that I was told by a staff member to have the Judge who is assigned to my case to send a letter and the form for their office to fill out by Court Order since they wont do it for me, Mr Elman! I also have evidence, paperwork that I want to send by mail but Im afraid it wont get to your office! They wont let me send no mail or any other inmate Certified unless I have funds which we both know is against the Law! I have been indulgent since I came into this facility and I dont understand how this

county facility has been getting away with that for so long, I have no family in this state and no one on the outside to help me. I have a lot of paper-work and evidence that I want to send to you for my case but this facility opens outgoing mail and I'm not about to lose all my evidence. If I can't send it by Certified Mail, I'll wait until I'm released from this facility! I would really appreciate it if you let me know if you have received my Cure Complaint, I have copy of everything but the way this facility opens outgoing mail, I don't trust them! I would truly appreciate it if the judge would send the Warden James Quigley a court order to disclose my financial status please since they won't do it for me, Mr. Ellman! Thank you for your time and please let me know if you received my Motion!

PS, I want to put in
sum of two hundred and
fifty thousand dollars!

Sincerely

Brian
Ellman

cc: Self
A.C.G.U.
NAACP

ATTORNEY
UNITED STATES COURT OF THE EASTERN DISTRICT

Order To Show Cause and Temporary Restraining Order

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRIAN EILMAN

PLAINTIFF

V.

Order To Show Cause For
Preliminary Injunction AND
Temporary Restraining Order

CIVIL ACTION No. _____

Z. Smith, Sheriff DEFENDANTS
 JOHN DOE, PARTNER
 JANINE QUIGLEY-WARDEN
 STEPHINE SMITH-DEPUTY WARDEN
 DANIEL VAN BILLIARD-HEARING
 EXAMINER
 SGT. GONZALEZ JR.
 S. SWARTLEY-MEDICAL DEPT.
 JESSICA COLLINS-TREATMENT
 CAPTAIN CASTRO
 SGT. BRAUNBERGER
 MITZI MONTZ-MEDICAL DEPT.
 PAULA DILMAN-MEDICAL DEPT.

UPON THE COMPLAINT, SUPPORTING AFFIDAVITS OF PLAINTIFFS SWORN TO THE
 _____ day of _____, 20____ AND THE MEMORANDUM OF LAW SUBMITTED
 HEREWITH, IT IS:

ORDERED that the ABOVE NAMED DEFENDANTS, Z. Smith, JOHN DOE, JANINE
 QUIGLEY, STEPHINE SMITH, DANIEL VAN BILLIARD, SGT. GONZALEZ JR., S. SWARTLEY,
 JESSICA COLLINS, CAPTAIN CASTRO, SGT. BRAUNBERGER, MITZI MONTZ, PAULA DILMAN
~~show~~ AGAINST WHOM I NEED IMMEDIATE COURT ACTION, SHOW CAUSE IN ROOM
 _____ OF THE UNITED STATES COURTHOUSE, UNITED STATE DISTRICT COURT
 EASTERN DISTRICT OF PENNSYLVANIA U.S. Courthouse INDEPENDENCE MALL WEST
 301 MARKET STREET PHILADELPHIA, PA 19106 ON THE _____ day of _____
 20____ at _____ o'clock, OR AS SOON THEREAFTER AS COUNSEL MAY BE HEARD,
 WHY PRELIMINARY INJUNCTION SHOULD NOT ISSUE PURSUANT TO RULE 65

(a) OF THE FEDERAL BUREAU OF INVESTIGATION, THE DEFENDANTS, THEIR SUCCESSORS IN OFFICE, AGENTS AND EMPLOYEES AND ALL OTHER PERSONS ACTING IN CONCERT AND PARTICIPATION WITH THEM, FROM RETALIATION, MISTREATMENT BY STAFF AND COWORKERS, TO STAY AWAY FROM SAID PLAINTIFF AT ALL COST, REMOVE FROM COUNTY JAIL SO I WON'T HAVE TO DEAL WITH FOOD TAMPERING, MEDICATION TAMPERING, ECT.!

IT IS FURTHER ORDERED THAT ~~THE~~ EFFECTIVE IMMEDIATELY, AND PENDING THE HEARING AND DETERMINATION OF THIS ORDER TO SHOW CAUSE, THE DEFENDANTS, Z. SMITH, JOHN DOE, JANINE QUIGLEY, STEPHINE SMITH, DANIEL VAN BILLIARD, SGT. GONZALEZ JR., S. SWARTLEY, JESSICA COLLINS, CAPTIN CASTRO, SGT. BRAUNBERGER, MITZI MONTZ, PAULA DILMAN AND C. PARRISH AND EACH OF THEIR OFFICERS, AGENTS, EMPLOYEES, AND ALL PERSONS ACTING IN CONCERT OR PARTICIPATION WITH THEM, ARE RESTRAINED FROM COMING WITHIN FIVE HUNDRED FEET OF SAID PLAINTIFF.

IT IS FURTHER ORDERED THAT PERSONAL SERVICE OF A COPY OF THIS ORDER AND ANNEXED AFFIDAVIT UPON THE DEFENDANTS OR HIS COUNSEL ON OR BEFORE _____ DATE SHALL BE DEEMED GOOD AND SUFFICIENT SERVICE THEREOF.

 DATE _____
 United States District Judge